

REMARKS

Upon entry of the instant Amendment, claims 1-3 and 5-25 will remain pending in the present application.

In the instant Amendment, claims 1, 5, 8, 10, 12-14, 16-18, 20 and 24 have been amended. Claim 4 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

The instant Amendment made herein to the claims does not incorporate new matter into the application as originally filed. For example, claim 1 has been amended to incorporate the limitations of claim 4 therein. Further, claims 5, 8, 10, 12 and 13 have been amended to be dependent on claim 1. Further, claims 14, 16-18 and 20 have been rewritten in an independent format. Further, claims 1 and 24 have been amended to further clarify formulas (2) and (3). As the formulas (4) and (5) are described in the Specification on page 5, lines 11 and 16, there are unesterified ethyrol groups. One of the unesterified ethyrol groups is bound to a Si atom via -X-.

Accordingly, proper consideration of each of the pending claims is respectfully requested at present, as is entry of the present amendment.

Double-Patenting

On pages 2-4 of the Office Action, claims 1-3 are provisionally rejected on the ground of non-statutory double patenting over claims 1, 2 and 4 of co-pending Application No. 10/556,578.

Applicant respectfully traverses and requests that the Examiner withdraw this rejection.

In the present Amendment, claim 1 has been amended by incorporating the features of claim 4 therein. Consequently, claims 2 and 3 depend on currently amended claim 1. Thus, upon entry of the present Amendment, this rejection has been overcome.

Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

Claim Objections and Allowable Subject Matter

On page 4 of the Office Action, the Examiner indicates that claims 4-25 have been objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

In the present Amendment, claim 1 has been amended to incorporate the limitations of claim 4 therein. Subsequently, claim 4 has been cancelled. Further, claims 5, 8, 10, 12 and 13 have been amended to be dependant on claim 1. Further, claims 14, 16-18 and 20 have been rewritten in an independent format.

Therefore, it is submitted that the objection to claims 4-25 have been overcome and with the result being that each of currently amended claims 1-3 and 5-25 are now in condition for allowance.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gerald M. Murphy, Jr. (Reg. No. 28,977) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated:

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Respectfully submitted,

By 

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